UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/50/989
S/1996/499
28 June 1996
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 140
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-first year

Letter dated 28 June 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to request that the enclosed document, containing information on the resolution adopted by the Council of the International Civil Aviation Organization (ICAO) on 27 June 1996 and on the rejection by the ICAO Council of the United States proposal to condemn Cuba (see annex), be circulated as an official document of the fiftieth session of the General Assembly, under agenda item 140, and of the Security Council.

(Signed) Bruno RODRIGUEZ PARRILLA
Ambassador
Permanent Representative

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ANNEX

[Original: English and Spanish]

Statement on the rejection by the Council of the International Civil Aviation Organization of the United States proposal to condemn Cuba, issued by Cuba in New York on 27 June 1996

On the afternoon of 27 June, the Council of the International Civil Aviation Organization (ICAO) adopted a resolution that, far from condemning Cuba and aligning with the United States' manipulations, is oriented to the future and reaffirms the United States' obligation to prevent any incidents derived from the misuse and abuse of civil aviation. The text adopted reaffirms the principles of international civil aviation, the Chicago Convention and the purposes and principles of ICAO. According to the close to unanimous opinion of the Council members, it is a balanced and objective text.

The Cuban delegation expressed its support for the draft resolution submitted by the President of the ICAO Council because, as always, the Republic of Cuba shares and reaffirms the principles of international law, the principles, rules, standards and recommended practices laid down in the Convention on International Civil Aviation, including the rules relating to the interception of civil aircraft and the recognized principle regarding the non-use of weapons against civil aircraft in flight.

Cuba reaffirms the principle that the contracting States are obliged to take appropriate measures to prohibit the deliberate use of any civil aircraft for any purpose inconsistent with the aims of the above-mentioned Convention, condemns the misuse and abuse of civil aviation and was the first country to regret the loss of human lives as a result of illegal flights and deliberate and repeated violations of Cuba's sovereignty and territorial integrity by the terrorist organization called Brothers to the Rescue and as a consequence of the United States' failure to comply with the obligations undertaken in its capacity as registering State and territory of origin of those flights.

Only in the opinion of the United States was the adopted text described as unbalanced. According to the declarations of the United States Secretary of Transportation, the adopted resolution "substantively departs from the draft resolution submitted by the United States". The United States delegation was rendered entirely isolated when it tried to pressure the members of the ICAO Council and impose, by way of amendments, the inclusion of indirect references condemning Cuba.

Cuba supports the letter and spirit of paragraph 9 of the resolution adopted by ICAO, which complements article 54 (j) of the Chicago Convention on requesting all contracting States to report at any time to the Council any infraction of the above-mentioned rules contained in the Convention on International Civil Aviation. On that basis, during the speech given today before the Council, the Government of Cuba followed the procedure set out in the resolution as adopted by reiterating the denunciation presented officially and in a timely manner to the President of the ICAO Council and to the General

Assembly and Security Council of the United Nations regarding future violations of Cuban territorial airspace and waters, publicly announced in Miami for 13 July 1996, which the United States authorities have acknowledged to be fully aware of since 6 June last.

Cuba again warned about the late, incomplete and insufficient measures taken by the United States to avert and prevent violations of the Republic of Cuba's sovereignty and territorial integrity, including illegal actions by the terrorist organization Brothers to the Rescue. This organization even maintains the E 58 BB aircraft, which still bears the acronym of the United States Air Force.

The ICAO Council, in an honourable act, only took note of the report of the investigating team.

The United States' attempt to manipulate the ICAO Council and to dictate its conduct on the basis of political pressure and tampering with evidence has failed.

Instead of an unfair condemnation aimed at justifying the United States' aggressive policy against Cuba, the strengthening of the economic, commercial and financial blockade, and the passage of the so-called Helms-Burton Act, which has received unanimous international rejection, justice and law have prevailed and ICAO has honoured its purpose of preventing the repetition of such incidents in the future.

The Security Council will have before it a resolution that reaffirms and safeguards the principles of international law and the aims and purposes of international civil aviation.